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U.S. D.O.P.
April 16, 1953
Opinion No. 53-75

Mrs. Frieda B. Exhardt, R.N.
Executive Secretary
Board of Nurse Registration and
Nursing Education
State House
Phoenix, Arizona

Dear Mrs. Exhardt:

Answering your inquiry dated April 13, 1953, please be advised that it is the opinion of the Attorney General:

That a regulation as promulgated by the State Board of Nurse Registration and Nursing Education, requiring applicants for nursing licenses to submit a certificate of mental and physical health signed by an M.D. (Doctor of Medicine) is not lawful.

The lawmaking body of Arizona has in the exercise of its police powers extensively regulated the practice as carried on by osteopathic physicians and surgeons. In Section 67-2129, A.C.A. 1939, Supplement, osteopathic physicians and surgeons holding a license under and by virtue of Article 21, Chapter 67, A.C.A. 1939, Supplement, are expressly authorized to exercise all the same rights and privileges possessed by physicians and surgeons of other complete schools of medicine in the practice of their profession, subject to certain exceptions. Nowhere in the laws of Arizona are we able to find authorization in the Board to promulgate a discriminatory regulation such as this in question.

We hope this sufficiently clarifies the matter and if not, please do not hesitate to make further inquiry.

Yours very truly,

PAUL W. LE PRADE
Assistant to the
Attorney General

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